

REMARKS

Claims 1, 8, and 15-18 are now pending in this application for which applicants seek reconsideration.

Amendment

Claims 2-7 and 9-14 have been canceled and independent claims 1 and 8 have been amended to more clearly define the present invention, as well as to obviate the § 101 rejection (claim 8) by revising the preamble as suggested by the examiner. New claims 15-18 have been added. No new matter has been introduced.

Art Rejection

Claims 1-5 and 8-12 were rejected under 35 U.S.C. § 102(e) as anticipated by Shishido (USP 6,376,854). Claims 6-7 and 13-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Shishido.

Shishido discloses reading a pattern formed on an object to be inspected to detect a microscopic defect of the pattern, and reducing noise in the read image. See column 2, lines 42-48. Shishido, however, neither discloses nor teaches detecting, based on both the first image data obtained by reading a reference member at a plurality of positions in a sub-scanning direction while the image reading device moves and the second image data obtained by averaging image data acquired by reading the reference member a plurality of times at a position in the sub-scanning direction, an abnormal position of the reference member at the position, at which the second image data is obtained, as now set forth in independent claims 1 and 8. Accordingly, applicants submit that independent claims 1 and 8 clearly distinguish over Shishido.

Conclusion

Applicants submit that the pending claims are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

04 APRIL 2008

DATE

/Lyle Kimms 040408/

LYLE KIMMS

REG. No. 34,079 (RULE 34, WHERE APPLICABLE)

P.O. Box 826

ASHBURN, VA 20146-0826

703-726-6020 (PHONE)

703-726-6024 (FAX)